

**DRAFT**In the Claims

Please amend Claims 1-20. Amendments to the claims are indicated in the attached "Marked Up Version of Amendments" (pages i - iv).

1. (Amended) In a system for transmitting audio over a data network; and wherein received audio packets are stored in a jitter buffer in a receiver and read from the jitter buffer at a rate dependent on a jitter buffer latency which can be modified during periods of quasi-silence, an apparatus for determining if a data packet contains one of two types of audio, non-speech audio or speech audio comprising:
  - a non-speech detection module which identifies the type of audio received as a data stream;
  - an add header routine which stores a non-speech identifier with the audio in the data packet, the non-speech identifier being stored in a header in the data packet; and
  - a remove header routine which detects the state of the non-speech identifier in the header of the received data packet to determine if non-speech audio is stored in the payload of the data packet, whereupon the modification to the jitter buffer latency is enabled.
2. (Amended) The apparatus as claimed in Claim 1 wherein the non-speech identifier is a one bit field included in the header in the data packet.
3. (Amended) The apparatus as claimed in Claim 2 wherein the non-speech identifier is stored in a Real-time Transport Protocol header.
4. (Amended) The apparatus as claimed in Claim 3 wherein the non-speech identifier is set to a first of two states if the data packet contains non-speech audio.
5. (Amended) The apparatus as claimed in Claim 3 wherein the non-speech identifier is set to a second state if the data packet contains speech audio.

**DRAFT**

-3-

6. (Amended) The apparatus as claimed in Claim 1 wherein the remove header routine determines from the state of the non-speech identifier that speech audio is included in the data packet whereupon the jitter buffer latency modification is disabled.
7. (Amended) An apparatus for determining if a data packet contains non-speech audio or speech audio comprising:
  - means for storing a non-speech identifier with the non-speech audio in the data packet, the non-speech identifier being stored in a header in the data packet; and
  - means for detecting the non-speech audio stored in the payload of the data packet dependent on the state of the non-speech identifier in the header of the received data packet.
8. (Amended) The apparatus as claimed in Claim 7 wherein the non-speech identifier is a one bit field included in the header in the data packet.
9. (Amended) The apparatus as claimed in Claim 8 wherein the non-speech identifier is stored in a Real-time Transport Protocol header.
10. (Amended) The apparatus as claimed in Claim 9 wherein the non-speech identifier is set to a first of two states if the data packet contains non-speech audio.
11. (Amended) The apparatus as claimed in Claim 9 wherein the non-speech identifier is set to a second state if the data packet contains speech audio.
12. (Amended) The apparatus as claimed in Claim 7 wherein upon detection of the non-speech audio the means for detecting enables jitter buffer latency modification.
13. (Amended) The apparatus as claimed in Claim 7 wherein upon detection of the non-speech audio the means for detecting disables jitter buffer latency modification.
14. (Amended) In a system for transmitting audio over a data network; and wherein audio packets are stored in a jitter buffer in a receiver and read from the jitter buffer at a rate dependent on a jitter buffer latency which can be modified during periods of quasi-

**DRAFT**

-4-

silence, a method for identifying a data packet containing one of two types of audio, non-speech audio or speech audio comprising the steps of:

generating a non-speech identifier which identifies which type of audio is in the packet;

storing, by an add header routine, the non-speech identifier with the audio in the data packet, the non-speech identifier being stored in a header in the data packet; and

detecting, by a remove header routine, the state of the non-speech identifier in the header of the received data packet to determine if non-speech audio is [included in] stored in the payload of the data packet, whereupon the modification to the jitter buffer latency is enabled.

15. (Amended) The method as claimed in Claim 14 wherein the non-speech identifier is a one bit field included in a header in the data packet.
16. (Amended) The method as claimed in Claim 15 wherein the non-speech identifier is stored in a Real-time Transport Protocol header.
17. (Amended) The method as claimed in Claim 16 wherein the non-speech identifier is set to a first of two states if the data packet contains non-speech audio.
18. (Amended) The method as claimed in Claim 16 wherein the non-speech identifier is set to a second state if the data packet contains speech audio.
19. (Amended) A computer program product for determining if a data packet contains non-speech or speech audio, the computer program product comprising a computer usable medium having computer readable code thereon, including program code which:
  - stores a non-speech identifier with the non-speech audio in the data packet, the non-speech identifier being stored in a header in the data packet; and
  - detects non-speech audio stored in the payload of the data packet dependent on the state of the non-speech identifier in the header of the received data packet.
20. (Amended) An apparatus for determining if a data packet contains non-speech audio or speech audio comprising:
  - a transmitter, the transmitter comprising: